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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,550	02/07/2000	Allen Cameron	AC2321	1424

7590

09/08/2005

Allan Cameron
1 Edson Road
South Natick, MA 01760

EXAMINER

CANFIELD, ROBERT

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

MC

Office Action Summary

Application No.

09/499,550

Applicant(s)

CAMERON, ALLEN

Examiner

Robert J. Canfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. This Office action is in response to the amendment filed 06/13/05. Claims 1-6, 8 and 10-12 are pending. Claims 7 and 9 have been canceled.

2. The new examiner apologizes for the piecemeal examination provided by the previous examiner.

3. A review of the prosecution history reveals that numerous sets of drawings have been filed without comment from the previous examiner of record. None of the drawings submitted subsequent to the originally filed drawings are entered. Several of the submissions were nothing other than duplicate sets to the originally filed drawings. The drawing set filed 05/16/03 contained new matter in the form the embodiment of revised figure 8. Further, none of the "substitute specifications" filed are entered as there were no statements provided of "no new matter" and at least the specification filed 05/16/03 contains new matter in the form of the description of an embodiment of figure 8 not originally described or shown. This Office action is based upon the specification and drawings as originally filed on 02/07/00 and the claims as filed in the amendment of 06/13/05.

4. The examiner acknowledges receipt of the terminal disclaimer received 10/28/04. U.S. Patent 5,570,542 to Cameron issued 11/05/96, which is more than one year prior to filing date of the instant application as well as the filing date of the provisional

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application which this application claims benefit to. The patent qualifies as a statutory bar reference. No double patenting rejection should have been made.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the weatherstripping between said glass panel and said window frame must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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6. Claims 1-6, 8 and 10-12 are objected to because of the following informalities: In claims 1 and 8, "the safety apparatus" lacks a proper antecedent basis. In claim 1 "receivers' " should be - - receivers - -, in claim 5 "accepts" should be - - accept - -, in claim 8 "fasteners' " should be - - fasteners - -, and the preambles of each of the dependent claims should read - - the combination - - rather than "the safety device" to be consistent with the claims from which they depend. Appropriate correction is required.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,271,311 to Madden.

Madden provides optically transmissive window insert 110 of any known bullet proof materials including polycarbonates and composite layers (col. 4, lines 50+) in combination with a typical vehicle door (col. 4, line 20) having a retractable glass panel window 40. The upper edge of the panel defined by bracket 130 is inserted along with the glass panel 40 into the channel of the frame (figure 2). A lower mounting bracket 160 is attached to the insert with fasteners 140. A lower

edge 140 is adapted to be inserted between the glass 40 and frame 22. The bottom is notched at 114.

Madden fails to show weatherstripping along the frame opening. The examiner takes Official Notice that it is well known in the automobile/vehicle arts to provide weatherstripping along the frame opening, which receives a retractable glass window in a vehicle door. It is known to protect the glass from the frame as well to provide a sealing means to keep the elements out of the inside of the door and further to reduce vibration and noise. It would have been obvious at the time of the invention to one having ordinary skill in the art that the frame opening at approximately 22 of Madden could have been provided with a weatherstrip for all of the above reasons. The motivation provided by Madden suggesting that his device is used with "typical vehicle doors".

9. Claims 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,271,311 to Madden in view of U.S. Patent 5,570,542 to Cameron.

Madden as modified above provides each of the elements of these claims as noted above except for providing at least one orifice covering less than fifty percent of the surface of the window insert.

Cameron teaches that at the time of the invention it was known to provide window inserts with at least one orifice covering less than fifty percent of the surface to allow for airflow.

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It would have been obvious at the time of the invention to one having ordinary skill in the art that the insert 110 of Madden could have been provided with at least one opening as taught by Cameron so as to allow for airflow through the insert.

10. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Canfield whose telephone number is 571-272-6440. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert J Canfield
Primary Examiner
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A handwritten signature in black ink, appearing to read 'R. Canfield', is written over the printed name and title of the examiner.

08/30/05